

UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT of PENNSYLVANIA

TRUSTEES OF THE INSULATORS LOCAL NO. 23  
ANNUITY, PENSION, AND HEALTH AND WELFARE  
FUNDS, and THE JOINT APPRENTICE TRAINING  
COMMITTEE LOCAL 23, ASBESTOS WORKERS

*Plaintiffs*

v.

LOSHAW THERMAL TECHNOLOGY, LLC, MARCI  
BITTNER, and WENDY BITTNER,

*Defendants*

Civil Action No. 1:18-CV-0537

(Chief Judge Conner)

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (*check one*):

☐ the plaintiff \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_  
\_\_\_\_\_ .

X other: SUMMARY JUDGMENT be and is hereby ENTERED in favor of defendants LOSHAW THERMAL TECHNOLOGY, LLC, MARCI BITTNER, and WENDY BITTNER, and against plaintiffs TRUSTEES OF THE INSULATORS LOCAL NO. 23 ANNUITY, PENSION, AND HEALTH AND WELFARE FUNDS, and THE JOINT APPRENTICE TRAINING COMMITTEE LOCAL 23, ASBESTOS WORKERS, to the extent that plaintiffs cannot sustain claims before this court under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001, *et seq.*, for recovery of delinquent benefits contributions or for breach of fiduciary duty when those claims are based on an expired collective bargaining agreement and there is no evidence of an employer promise to pay, in accordance with the court's memorandum (Doc. 33) and order (Doc. 34), dated May 7, 2019.

This action was (*check one*):

☐ tried by a jury with Judge or Magistrate Judge \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by Judge or Magistrate Judge \_\_\_\_\_ without a jury and the above decision

X decided by Judge or Magistrate Judge \_\_\_\_\_ Chief Judge Christopher C. Conner

**MOTION FOR SUMMARY JUDGMENT**

Date: May 7, 2019

CLERK OF COURT PETER WELSH, Clerk of Court

K. McKinney

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*